

Message Text

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ACTION AF-08

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-01

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 /066 W

-----211422Z 127953 /43

P R 211318Z JAN 77

FM AMEMBASSY LUSAKA

TO SECSTATE WASHDC PRIORITY 4854

INFO AMEMBASSY DAR ES SALAAM PRIORITY

AMEMBASSY GABORONE

AMEMBASSY LONDON PRIORITY

AMEMBASSY MAPUTO

AMEMBASSY PRETORIA

AMCONSUL CAPETOWN

C O N F I D E N T I A L LUSAKA 0192

CAPETOWN FOR EMBASSY

E.O. 11652: GDS

TAGS: PINT, PFOR, ZA, WA, TZ

SUBJ: ZAMBIAN SUPREME COURT ORDERS RETURN OF SWAPO DISSIDENT

SHIPANGA

REF: (A) 76 LUSAKA 2721; (B) 76 LUSAKA 2785; (C) 76 LUSAKA 2382

1. THREE MAN BENCH OF THE ZAMBIAN SUPREME COURT RULED JANUARY 20 THAT THE GRZ SHOULD RETURN ANDREAS SHIPANGA TO ZAMBIA BY FEBRUARY 7 AS DIRECTED IN ITS OCTOBER 5 ORDER (REFTEL A).

2. IN THE JANUARY 20 PROCEEDINGS, THE COURT REJECTED THE ARGUMENTATION INTRODUCED BY THE GOVERNMENT OCTOBER 14 (REFTEL B) THAT SHIPANGA'S RETURN TO ZAMBIA FROM TANZANIA INVOLVES MATTERS OF HIGH STATE POLICY WHICH ARE NOT WITHIN THE SCOPE OF THE COURT. THE COURTS RULING SAID THAT: "IT IS MOST UNFORTUNATE THAT POLITICS HAVE AGAIN BEEN INTRODUCED INTO THIS MATTER. NO
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LITIGANT, WHETHER GOVERNMENT OR OTHERWISE, CAN BE HEARD TO SAY THAT THE DECISION TAKEN (BY THE COURT) IS NOT IN THE INTERESTS OF THE LIBERATION MOVEMENT AND THAT THE MATTER INVOLVES HIGH STATE POLICIES WHICH DO NOT FALL WITHIN THE LEGAL AMBIT. THIS COURT CANNOT AND WILL NOT ACCEPT THE STAND TAKEN BY THE GOVERNMENT".

COMMENT: THE EMBASSY CONTINUES TO BELIEVE THAT THE GRZ WILL NOT RETURN SHIPANGA TO ZAMBIA WITHOUT THE CONSENT OF SWAPO (REFTEL C). IF, AS REPORTED ELSEWHERE, MOVES ARE UNDERWAY TO EFFECT A RECONCILIATION BETWEEN SWAPO AND SHIPANGA, ONE STAGE OF SUCH RECONCILIATION WOULD BE SHIPANGA'S RETURN TO ZAMBIA. SUCH A MOVE WOULD NOT ONLY ALLOW THE JUDICIARY'S STAND IN THIS MATTER TO BE UPHELD, BUT ALSO COULD AVOID A POTENTIALLY EMBARRASSING SITUATION FOR THE GRZ SHOULD SHIPANGA DISAPPEAR WITH OR WITHOUT A TRIAL BY SWAPO. LOW

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Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition Reason:
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